

WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153
Telephone: (212) 310-8000
Facsimile: (212) 310-8007
David J. Lender
Jacqueline Marcus
Denise Alvarez

Attorneys for Lehman Brothers Holdings
Inc. and Certain of its Affiliates

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re : Chapter 11 Case No.
: :
LEHMAN BROTHERS HOLDINGS INC., et al., : 08-13555 (SCC)
: :
Debtors. : (Jointly Administered)
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**DECLARATION OF DAVID J. LENDER IN SUPPORT OF
PRE-TRIAL MEMORANDUM OF LAW IN OPPOSITION TO DR. THOMAS
MARSONER'S MOTION TO DEEM PROOFS OF CLAIM TIMELY FILED**

I, David J. Lender, declare, under penalty of perjury, as follows:

1. I am a partner at the law firm of Weil, Gotshal & Manges LLP, counsel to Lehman Brothers Holdings Inc., as Plan Administrator (“LBHI” or the “Plan Administrator”) under the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors (the “Plan”), for the entities in the above referenced chapter 11 cases (collectively, the “Debtors” and together with their non-Debtor affiliates, “Lehman”). I am an attorney at law, duly admitted and in good standing to practice in the State of New York and the United States District Court for the Southern District of New York.

2. I submit this declaration in support of the Plan Administrator’s Opposition to Dr. Thomas Marsoner’s Motion to Deem Proofs of Claim Timely Filed. The purpose of this

declaration is to place before the Court certain documents referred to in the accompanying Memorandum of Law.

3. Attached hereto as Exhibit A is a true and correct copy of the Executive Advisory Services Agreement between Lehman Brothers Europe Limited (“LBEL”) and Thomas Marsoner (“Marsoner”), dated March 21, 2001, stamped Marsoner00000727-34.

4. Attached hereto as Exhibit B is a true and correct copy of the Executive Advisory Services Agreement between LBEL and Marsoner, dated July 24, 2002, stamped Marsoner00000715-26.

5. Attached hereto as Exhibit C is a true and correct copy of the advisory agreement between LBEL and Marsoner, dated February 13, 2004, stamped Marsoner00000708-14.

6. Attached hereto as Exhibit D is a true and correct copy of the advisory agreement between LBEL and Marsoner, dated May 5, 2006, stamped Marsoner00000701-07.

7. Attached hereto as Exhibit E is a true and correct copy of the advisory agreement between LBEL and Marsoner, dated October 5, 2007, stamped Marsoner00000686-92.

8. Attached hereto as Exhibit F is a true and correct copy of relevant excerpts from the deposition transcript of Vittorio Pignatti (“Pignatti”), dated November 16, 2015.

9. Attached hereto as Exhibit G is a true and correct copy of a letter from Maurice Horwitz to Shane Johnson, dated October 16, 2015, enclosing a document showing the titles, positions and directorships of various former Lehman employees prepared by the Plan Administrator from its PeopleSoft database and data previously maintained in Lehman’s Global Entity Management System (GEMS), and produced by the Plan Administrator in response to Marsoner’s First Set of Interrogatories.

10. Attached hereto as Exhibit H is a true and correct copy of relevant excerpts of the deposition transcript of Thomas Marsoner, dated December 15, 2015.

11. Attached hereto as Exhibit I is a true and correct copy of relevant excerpts of the deposition transcript of Peter Sherratt (“Sherratt”), dated November 13, 2015.

12. Attached hereto as Exhibit J is a true and correct copy of an email from Marsoner to Thomas Bernard (“Bernard”), dated December 1, 2005, forwarding an email chain between Marsoner, Bernard, Pignatti and Sherratt, stamped LEH_0000214-17.

13. Attached hereto as Exhibit K is a true and correct copy of a spreadsheet prepared by the Plan Administrator from the Debtors’ accounts payable system showing the addresses identified in Interrogatory Nos. 7, 8 and 9 of Marsoner’s First Set of Interrogatories. Exhibit K was prepared and produced by the Plan Administrator in response to the above-identified interrogatories, stamped LEH_0000921-28.

14. Attached hereto as Exhibit L is a true and correct copy of an invoice with supporting documentation submitted by Marsoner to LBEL, dated May 21, 2007, stamped LEH_0000503-677.

15. Attached hereto as Exhibit M is a true and correct copy of a letter from Pignatti to Daniel Schwarzmann, Joint Administrator of LBEL (in administration), dated January 13, 2014, stamped LEH_00001036.

16. Attached hereto as Exhibit N is a true and correct copy of a letter from Ruggero Magnoni (“Magnoni”) to Daniel Schwarzmann, Joint Administrator of LBEL (in administration), dated January 13, 2014, stamped LEH_00001037-38.

17. Attached hereto as Exhibit O is a true and correct copy of the Consent Order entered by the High Court of Justice, Chancery Division, *in Marsoner v. Schwarzmann, et al.*, Claim No. 1434 of 2014, on June 19, 2014, stamped Marsoner00000217-27

18. Attached hereto as Exhibit P is a true and correct copy of an email chain between Pignatti and Marsoner, dated December 4, 2002, stamped Marsoner00000008-31.

19. Attached hereto as Exhibit Q is a true and correct copy of relevant excerpts of the deposition transcript of Ruggero Magnoni, dated November 17, 2015.

20. Attached hereto as Exhibit R is a true and correct copy of an email chain between Marsoner and Sherratt produced by Thomas Marsoner, dated March 10, 2014, stamped Marsoner00000197-204.

21. Attached hereto as Exhibit S is a true and correct copy of an email from Aaron Johari to Guy Reynolds, Clodagh Hayes, Jason Shelly, Iain Wagstaff, Aaron Johari and Bruce Railton, dated September 19, 2008 (with a copy of Exhibit E attached), stamped LEH_0000384-395.

This declaration was executed this 20 day of June, 2016, in New York, New York.

/s/ David J. Lender
David J. Lender